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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the France Libertes : Fondation Danielle Mitterrand, Cultural Survival, Society for Threatened Peoples, non-governmental organizations in special consultative status, Survival International Ltd., non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Spoliation of indigenous lands, source of human rights violations in Chittagong Hill Tracts (CHT), Bangladesh*

In Bangladesh, Chittagong Hill Tracts (CHT) is the territory in which eleven indigenous peoples, known as Jumma people, live. In this area, indigenous people's right to dispose of their lands and the principle of free consent in case of displacement from their habitual territories are not respected. This has led to the multiplication of land disputes. However, these rights are enshrined in the 1997 Peace Accord between the government of Bangladesh and the Parbattya Chattagram Jana Samity Sanhati (PCJSS), and in Convention 107 of the International Labour Organization (ILO) - Indigenous and Tribal Populations Convention, 1957, ratified by Bangladesh in 1972.

The issue of grabbing of Jumma lands has been reported at the highest level of the UN on several occasions. In the summary prepared for the Universal Periodic Review of Bangladesh in 2009 (A / HRC / WG.6 / 4 / BGD / 3), the High Commissioner for Human Rights indicate that "the Government grabs the lands of indigenous peoples and minorities is [*sic*] the State policy in Bangladesh and allows land grabbing by the mainstream Bengali populations who use different methods, including forging documents and forcibly ousting indigenous peoples from their lands." In 2011, the Special Rapporteur of the Permanent Forum on Indigenous Issues, Lars-Anders Baer (E / C.19 / 2011/6), pointed out that "Land is widely recognized as the most critical issue in the Chittagong Hill Tracts."

Yet in 1997, the CHT Peace Accord was intended to establish lasting peace and to promote the rights of indigenous peoples. It provided for land restitution to dispossessed populations and the establishment of a land commission. The commission, up until now paralyzed and inactive, has not solved the indigenous peoples' land problems. More than a third of returned refugees since the Accord have not been able to retake possession of their land. Over 90 000 displaced families are still waiting for the restitution of their property. "The fact that the Jumma people are denied their ancestral lands and are not compensated appropriately for land confiscated to them constitutes a flagrant violation of international law on human rights," said Andrew Erueti researcher on the rights of indigenous peoples for Amnesty International[1]. The decisions are centralized in the hands of the commission's Bengali president and are given largely to the detriment of Jummas. This has caused a gradual boycott of Jumma restitution claims. For example, of about 5,000 demands submitted to the office of the Khagrachari Land Commission, only 15% are made by Jummas.

The Government of Bangladesh also violates its international obligations, as it does not comply with articles 11 to 14 of ILO Convention 107 which relate to the land rights of indigenous peoples, as well as with article 12 on their rights to consultation. For example, in 2014 a project to build a university and a medical college in Rangamati led to the expropriation of Jumma families' land. The Regional Council had not been consulted, violating the CHT Peace Accord and ILO Convention 107.

These violations have resulted in violent land disputes. On December 16th 2014, about fifty houses and shops belonging to indigenous Jummas were burned and a Buddhist temple vandalized by Bengali settlers in the Baghaichari area in Rangamati district. On January 10th 2015, at the university's inauguration, clashes occurred between indigenous students from Pahari Chatra Parishad party who were organizing a peaceful blockade, and ruling party organizations. Later, despite the curfew, settlers attacked Jumma villages. The riots spread in different Rangamati neighborhoods. In total, 31 people were injured.

[1] Andrew Erueti, Pushed to the edge. Indigenous rights denied in Bangladesh Chittagong Hill Tracts, june 2013

Land grabbing mechanisms, which violate the CHT Peace Accord and the aforementioned articles of ILO Convention 107, are described and illustrated in a study produced in 2011 by the CHT Commission[2]:

-The Jumma people have always had a collective use of land, without having title deeds. Therefore, this use is not legitimate in the eyes of the government, which awards titles to Bengali peoples who settled there.

-The Bengali settlers, once installed, get help from the army in order to expand their land to non-"attributed" communal land and land around Buddhist monasteries.

-The Forest Department has acquired land through international donors for the development of intensive rubber, tea and wood for pulpwood, plantations etc. on ancestral lands upon which Jummas have long practiced "jum" (slash and burn) culture[3].

-Lands where indigenous peoples were living have been reclassified as "khas", i.e. state property on long-term rent to individuals or private companies.

-The security forces have illegally acquired land for the installation of barracks, military camps and training camps.

-Individuals and commercial interest groups despoil lands stolen from Jumma and Bengali people having permanent residency in CHT in order to install horticultural companies, or these lands are stolen and then sold to individuals, companies and NGOs.

-These spoliations are accompanied by attempts to corrupt village tribal head people. Practices such as falsification of official documents, fabricating false ownership certificates are common.[4]

These practices often receive the support of the police, army and administration to prevent any form of action against those that spoil the land. The Jumma people have limited access to police and justice and their rights are rarely recognized, which is in violation of article 26 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh acceded in 2000.

These practices are the result of a long history during which the Jumma people have been dispossessed of much of their land. They lost 3,500 km², one third of their territory, when the British colonial government created seven forest reserves in the late nineteenth century. In 1962, the Kaptai dam water resulted in 1,000 km² being submerged under water (40% of CHT's arable land). 60% of those who were dispossessed were neither compensated nor provided with alternative land. The government of Pakistan at the same time opened up the possibility for Bengalis to settle in the Hill Tracts. Bangladesh's government later (in the late 1970s) set up a secret plan to install Bengali settlers on indigenous lands. In the government's view, these indigenous lands belong to the state. The land was then taken over by new settlers under the watchful eyes of the army and at the expense of nearly 100,000 indigenous people.

From 1979 to 1985, between 200,000 and 450,000 Bengali Muslim migrants were settled in the Hill Tracts. According to official censuses, Bengalis (who were 7,000 in 1951) were 750,000 in 2011 (100 times more), while over the same period indigenous peoples increased from 270 000 to 845 000 (3 times more). Land pressure seriously threatens the agronomic and ecological balances.[5]

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[2] Mechanisms of land alienation of the Indigenous peoples of the Chittagong Hill Tracts. Shapan Adnan and Ranajit Dastidar, feb 2011

[3] UPR april /may 2013

[4] Statement A/HRC/WG.6/4/BGD/3

[5] Survival under threat : human rights ; situation of indigenous people in Bangladesh, director of publication Mr MongShanoo Chowdhury and Kapaeeng Foundation, August 2014

We call on the Human Rights Council to demand that the Government of Bangladesh:

• Approve the United Nations Declaration on the Rights of Indigenous Peoples,

• Ratify ILO Convention 169 according to its Sixth Five-Year Plan (2011-2015),

• Ratify the International Covenant on Civil and Political Rights,

• Observe Articles 11 to 14 of ILO Convention No. 107, ratified by Bangladesh in 1972,

• Implement without delay the 1997 CHT Peace Accord, including the return of land to indigenous peoples and the withdrawal of military camps,

• Involve indigenous peoples in any development project decision on CHT lands and provide for fair and necessary compensation for the use of land belonging to them,

• Create the conditions so that the Land Commission can work in a democratic and impartial way,

• Conduct impartial, independent and transparent trials against all human rights violations relating to land-grab of facts and ensure that the judicial system pursues the culprits, even if they are military, in order to put an end to the culture of impunity,

• Properly compensate families affected by the attacks of 16 December 2014.

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*International Council for the Indigenous Peoples of CHT ; La Voix des Jummas ; CHT-CC ; ICRA international ; Les Amis des Jummas, NGO without consultative status also share the views expressed in this statement.